

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of Addressing the COVID-19 )  
Pandemic in the State of Kansas. ) Docket No. 20-GIMX-393-MIS

**ORDER CONCERNING KANSAS JURISDICTIONAL TELECOMMUNICATIONS  
CARRIERS FOLLOWING EXPIRATION OF PROHIBITION OF DISCONNECTS**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the public record, the Commission makes the following findings:

1. On March 11, 2020, the World Health Organization (WHO) declared the COVID-19 virus a pandemic. On March 12, 2020, Governor Kelly issued an emergency declaration for the State of Kansas in response to COVID-19, authorizing the use of state resources and personnel to assist with response and recovery operations in affected counties. On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.

2. As a result of the actions by the WHO, Governor Kelly, and the President of the United States, on March 16, 2020, the Commission issued an Emergency Order Suspending Disconnects through April 15, 2020, pursuant to K.S.A. 77-536(b) to prevent or avoid the immediate danger to the public health, safety or welfare, and directs all public utilities under the Commission's authority to suspend the practice of disconnecting service for non-payment while customers and communities are experiencing potential hardship from the COVID-19 virus.

3. On March 17, 2020, Governor Kelly issued Executive Order 20-05, prohibiting utility and internet disconnects until May 1, 2020. Executive Order 20-05 covered utilities that are not subject to the Commission's jurisdiction.

4. On April 14, 2020, the Commission issued a Second Emergency Order Suspending Disconnects through May 15, 2020, and provided the Commission may extend the suspension period in a subsequent order pursuant to its emergency powers under K.S.A. 77-536.<sup>1</sup>

5. On April 30, 2020, Governor Kelly issued Executive Order 20-28, extending Executive Order 20-05 temporarily prohibiting utility disconnects until May 31, 2020.

6. Since the threat of the COVID-19 pandemic remains, and in recognition of Executive Order 20-28, on May 5, 2020, the Commission issued a Third Emergency Order Suspending Disconnects until May 31, 2020.

7. On May 6, 2020, Commission Staff (Staff) filed Notice of Filing of Commission Staff's Report and Recommendation – Telecom. Staff explained that following the Commission's Second Emergency Order Suspending Disconnects, it reached out to the incumbent local exchange carriers (ILEC) for information on how they intend to treat customers that remain in arrears after the expiration of the disconnection suspension period.<sup>2</sup> Because most ILECs appear to have reasonable plans in place, Staff advised there is no need to implement additional consumer protection measures at this time<sup>3</sup> Staff recommended the Commission draft a letter to the Federal Communications Commission (FCC) for guidance on addressing consumer protections in both the near-term and long-term given the possibility of COVID-19 lasting into the next flu season.<sup>4</sup>

8. Staff's Report & Recommendation notes that while the Commission's Telecommunications Billing Practice Standards (Standards) contain some consumer protections related to disconnection of service, the standards do not require ILECs to negotiate payment

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<sup>1</sup> Second Emergency Order Suspending Disconnects, Apr. 14, 2020, ¶ 3.

<sup>2</sup> Staff Report and Recommendation, May 5, 2020, p. 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

arrangements with their subscribers<sup>5</sup> nor do they require companies to allow consumers to repay arrearages over a 12-month period.<sup>6</sup>

9. The Standards: (1) require ILECs to apply partial payments to the oldest outstanding local service charges to avoid suspension of local service; (2) allow carriers to negotiate payment arrangements with subscribers with 900 number and/or long distance restrictions; (3) require the provider, identified in the written notice provided at least seven calendar days prior to the date of suspension/disconnection, remain available to the subscriber for one hour after the disconnection and on the day following disconnection to allow the subscriber to prevent disconnection or obtain reconnection; (4) prohibit an ILEC from disconnecting service upon notification from and demonstration by a residential subscriber that disconnection would be especially dangerous to the safety or health of the subscriber, resident member of the subscriber's family or other permanent resident, and such subscriber is unable to pay for service or is only able to pay in installments.<sup>7</sup>

10. The Commission's Standards do not apply to non-ILEC telecommunications carriers, wireless telecommunications services, internet and television programming services, or competitive services, such as Internet and television programming, which are not subject to Commission jurisdiction.<sup>8</sup>

11. Based on its communications with the ILECs, Staff believes the ILECs appear willing to work with their customers on payment arrangements on a case-by-case basis.<sup>9</sup> Therefore, Staff does not believe additional consumer protection measures are necessary at this time.<sup>10</sup> Staff favors an extended payment period, akin to the Cold Weather Rule's 12-month period, as a best practice for

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<sup>5</sup> Except under specific circumstances.

<sup>6</sup> Staff Report and Recommendation, p. 2.

<sup>7</sup> *Id.*, pp. 2-3.

<sup>8</sup> *Id.*, p. 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

ILECs during the COVID-19 pandemic, and will continue to informally monitor the number of customers and amount of delinquent bills for each ILEC to check if their delinquencies are above average.<sup>11</sup> If so, Staff would recommend a general investigation to consider possible additional consumer protections.<sup>12</sup>

12. Staff also notes that 31 of the 36 ILECs under the Commission's jurisdiction, the one electing carrier, and numerous other Kansas telecommunications carriers have voluntarily signed the FCC's Keep American's Connected Pledge, agreeing for the next 60 days<sup>13</sup> to: (1) refrain from terminating service to any residential or small business customers because of their inability to pay their bills due to the disruptions caused by the COVID-19 pandemic; (2) waive any late fees that any residential or small business customers incur because of their economic circumstances related to the COVID-19 pandemic; and (3) open their Wi-Fi hotspots to any American who needs them.<sup>14</sup>

13. Unfortunately, the FCC has not provided any guidance on consumer protections beyond the pledge period. Since the COVID-19 pandemic may last into the next flu season, Staff urges the Commission to send a letter to the FCC requesting guidance regarding customer protections if unemployment and delinquent bills continue to rise in the near-term and long-term.<sup>15</sup> Staff envisions a similar letter to the April 23, 2020 letter the Commission sent to the Kansas Congressional delegation.

14. Staff's Report and Recommendation was served on all jurisdictional utilities, including all jurisdictional telecommunications companies. No responses to the Report and Recommendation were filed.

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> On April 30, 2020, FCC Chairman Pai extended the Keep Americans Connected Pledge until June 30, 2020, but recognized some providers, particularly those in small markets and rural areas, may not be able to extend their pledge, and allowed those providers to opt out of the extension. *Id.*, p. 4.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

15. The Commission commends the telecommunications companies' willingness to work with their customers during this difficult time and their efforts to enact reasonable consumer protection measures.

16. The Commission adopts Staff's Report & Recommendation directing Staff to continue to: (1) work with the Commission's Office of Public Affairs and Consumer Protection on complaints over disconnects; (2) monitor the situation and apprise the Commission whether any additional consumer protection requirements for jurisdictional telecommunications carriers are warranted; and (3) informally request delinquency information from the ILECs to monitor the impact from COVID-19 on average delinquencies.

17. The Commission will request guidance on consumer protection measures following the expiration of the FCC's Keep American's Connected Pledge related to lasting COVID-19 impacts.

**THEREFORE, THE COMMISSION ORDERS:**

A. Staff's Report and Recommendation is adopted. Staff and the Commission will monitor the situation to determine whether additional consumer protections need to be enacted. Staff is directed to work with the Commission's Office of Public Affairs and Consumer Protection and to advise the Commission whether additional consumer protection requirements for jurisdictional telecommunication carriers are needed.

B. This Order is being served electronically.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>16</sup>

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<sup>16</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

D. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: \_\_\_\_\_



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Lynn M. Retz  
Executive Director

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